IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4935 OF 2005

Shri.Rajeev Sabharwal .. Petitioner
V/s
Union of India & Ors. .. Respondents.

Mr.C.Harishankar with Mr.S.N.Kantawala for the Petitioner.

Mr.H.V.Mehta with Mr.Y.R.Mishra for the Respondents.

CORAM: DR.S.RADHAKRISHNAN & J.H.BHATIA, JJ.

DATE : 10/08/2005.

P.C.:

1. Rule. Rule is made returnable forthwith. The learned Counsel for the Respondents waives service. By consent taken up for hearing. Heard the learned Counsel for the parties.

2. In this petition, the short grievance of the Petitioner is that the Commissioner of Customs has passed an order in original on 31st May, 2005 without affording an opportunity of personal hearing to the Petitioner. Mr.Mehta, the learned Counsel for the Respondents does not dispute the fact that the Petitioner was not given an opportunity of personal hearing. Under these circumstances, only on the limited ground of giving a personal hearing to the Petitioner, we set aside the order dated 31st May, 2005 passed by the Commissioner of Customs and remand back the matter for fresh hearing. The Commissioner of Customs is directed to give personal hearing to the Petitioner afresh, and thereafter to pass an order in accordance

with law, as expeditiously as possible. Writ Petition stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN J.)

(J.H.BHATIA J.)